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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TACUMA J. MWANZA,	Case No. 3:16-cv-00643-MMD-WGC
	ORDER
v.	
WARDEN FILSON, <i>et al.</i> ,	
Respondents.	

Petitioner has submitted an application to proceed *in forma pauperis* (ECF No. 4) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court finds that petitioner is unable to pay the filing fee. The Court has reviewed the petition. The Court will serve the petition upon respondents for a response.

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 4) is granted. Petitioner need not pay the filing fee of five dollars (\$5.00).

It is further ordered that the Clerk of the Court file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

It is further ordered that the Clerk add Adam Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents.

It is further ordered that the Clerk electronically serve upon respondents a copy of the petition and this order. In addition, the Clerk will return to petitioner a copy of the petition.


It is further ordered that respondents will have forty-five (45) days from the date on which the petition was served to answer or otherwise respond to the petition.

1 Respondents must raise all potential affirmative defenses in the initial responsive
2 pleading, including untimeliness, lack of exhaustion, and procedural default. Successive
3 motions to dismiss will not be entertained. If respondents file and serve an answer, then
4 they must comply with Rule 5 of the Rules Governing Section 2254 Cases in the United
5 States District Courts, and then petitioner will have forty-five (45) days from the date on
6 which the answer is served to file a reply. If respondents file a motion, then the briefing
7 schedule of Local Rule LR 7-2 will apply.

8 It is further ordered that any exhibits filed by the parties must be filed with a
9 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
10 attachments that are filed further must be identified by the number or numbers (or letter
11 or letters) of the exhibits in the attachment. The hard copy of any additional state court
12 record exhibits must be forwarded—for this case—to the staff attorneys in Las Vegas.
13 The Court otherwise waives compliance with Local Rule LR IA 10-3(e) with regard to the
14 exhibits.

15 It is further ordered that henceforth, petitioner must serve upon respondents or, if
16 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading,
17 motion or other document submitted for consideration by the court. Petitioner will include
18 with the original paper submitted for filing a certificate stating the date that a true and
19 correct copy of the document was mailed to the respondents or counsel for the
20 respondents. The Court may disregard any paper received by a district judge or
21 magistrate judge that has not been filed with the Clerk, and any paper received by a
22 district judge, magistrate judge, or the Clerk that fails to include a certificate of service.

23
24 DATED THIS 19th day of May 2017.

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26 
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE